

**REMARKS**

**Status of the Application**

Claims 1-13 are all the claims pending in the application. Claims 1-3 and 7-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (US Publication 2003/0081038) in view of Yamada (US Patent 6,726,302). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (US Publication 2003/0081038) as modified by Yamada (US Patent 6,726,302) as applied to claim 1 above, and further in view of Williams (US Patent 6,164,749). Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (US Publication 2003/0081038) as modified by Yamada (US Patent 6,726,302) as applied to claim 1 above, and further in view of Butterfield (US Patent 6,685,297). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (US Publication 2003/0081038) as modified by Yamada (US Patent 6,726,302) as applied to claim 1 above, and further in view of Valero (US Patent 6,802,580).

By this Amendment, Applicants hereby amend claims 1 and 11-13.

**Claim Rejections - 35 U.S.C. § 103**

*Claims 1-3 and 7-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (US Publication 2003/0081038) in view of Yamada (US Patent 6,726,302).*

Claim 1, as amended, recites, in part, “initializing a number of times of printing of said adjustment pattern and storing the number of times of printing” and “forming said adjustment pattern again in a position that differs from said predetermined position based on the number of times of printing that has been obtained.” The Examiner alleges that a combination of Valero and Yamada would render claim 1 obvious. Applicants respectfully disagree.

Valero discloses that detected invisible ink drops may be used to determine whether and ink ejection elements is offset or misaligned. See abstract. However, Valero fails to disclose that a number of times of printing said adjustment pattern is initialized, as recited in claim 1, and further fails to disclose forming said adjustment pattern again in a position that differs from said predetermined position based on the number of times of printing that has been obtained. Rather, Valero discloses that ink drops are printed and scanned, and the detected ink drops are used to determine misalignment and defectiveness. See FIG. 5. Thus, Valero does not indicate forming said adjustment pattern again in a position that differs from said predetermined position based on the number of times of printing that has been obtained, as Valero only discloses printing the ink drops, but does not indicate that a number of times of printing is analyzed, and that forming the ink drop pattern again is determined based on a number of times of printing having been obtained.

Further, Yamada also fails to disclose this aspect of amended claim 1, and thus, claim 1 is patentable over the applied art. Claims 2, 3 and 7-10 are patentable at least by virtue of their dependency from amended claim 1. Claims 11-13 recite similar limitations to claim 1, and are patentable for reasons analogous thereto.

*Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (US Publication 2003/0081038) as modified by Yamada (US Patent 6,726,302) as applied to claim 1 above, and further in view of Williams (US Patent 6,164,749).*

Claim 4 depends from claim 1. Because the Examiner's proposed combination of Valero '038, Valero '580 and Yamada fails to render claim 1 obvious, and because Williams fails to

cure the deficiency in the Examiner's proposed combination noted above, claim 4 is patentable at least by virtue of its dependency from claim 1.

*Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (US Publication 2003/0081038) as modified by Yamada (US Patent 6,726,302) as applied to claim 1 above, and further in view of Butterfield (US Patent 6,685,297).*

Claim 5 depends from claim 1. Because the Examiner's proposed combination of Valero '038, Valero '580 and Yamada fails to render claim 1 obvious, and because Butterfield fails to cure the deficiency in the Examiner's proposed combination noted above, claim 5 is patentable at least by virtue of its dependency from claim 1.

*Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Valero (US Publication 2003/0081038) as modified by Yamada (US Patent 6,726,302) as applied to claim 1 above, and further in view of Valero (US Patent 6,802,580).*

Claim 6 depends from claim 1. Because the Examiner's proposed combination of Valero '038 and Yamada fails to render claim 1 obvious, and because Valero '580 fails to cure the deficiency in the Examiner's proposed combination noted above, claim 6 is patentable at least by virtue of its dependency from claim 1.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 10/764,599

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Respectfully submitted,

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